

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM STEFANIAK and *
JANICE STEFANIAK, *
Plaintiffs *

CIVIL ACTION NO. 05-11465-MLW

v. *

VOYAGER III, LLC, *
WATER TRANSPORTATION *
ALTERNATIVES, INC., *
Defendants. *

**MOTION TO WITHDRAW PLAINTIFFS' EMERGENCY MOTION
TO INSPECT AND PHOTOGRAPH**

Plaintiffs respectfully requests this court to withdraw their November 17, 2006 **Emergency Motion to Inspect and Photograph** (Document No. 17 on the Docket). Defendants have since mooted this dispute by way of compliance with their obligation to allow Plaintiffs the opportunity to photograph the vessel.

The requested withdrawal of this motion is mutually exclusive and in no way connected to Plaintiffs' Second Motion to Compel (Document 16) now pending adjudication by this court.

Respectfully submitted,
WILLIAM STEFANIAK and
JANICE STEFANIAK
By their attorney,

/s/ David B. Kaplan
DAVID B. KAPLAN, B.B.O. No. 258540
THE KAPLAN/BOND GROUP
88 Black Falcon Avenue, Suite 301
Boston, MA 02210
(617) 261-0080

I hereby certify that a true copy of the above document was served upon each attorney of record by ECF on November 21, 2006.

/s/ David B. Kaplan

Dated: November 21, 2006